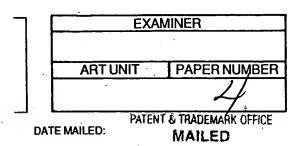


## UNITED STATES DEPARTMENT OF C MMERCE Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231

SERIAL NUMBER	FILING DATE		FIRST NAMED APPLICANT		ATTY, DOCKET NO.
10/038,591	01/0	04/02	COHEN, ET AL. ABX-PF		US

FISH & NEAVE 1251 AVENUE OF THE AMERICAS 50<sup>TH</sup> FLOOR NEW YORK, NY 10020-1105



APR 2 6 2002

## IF NO RESPONSE TO THIS NOTICE IS RECEIVED WITHIN FORTY-FIVE DAYS, A

The subject matter of this application appears to:

be "useful in the production or utilization of special nuclear material or atomic energy" as recited in 42 U.S.C. 2182 (Department of Energy (DOE)).

□"have significant utility in the conduct of aeronautical and space activities" as recited in 42 U.S.C. 2457 (National Aeronautics and Space Administration (NASA)).

Accordingly, no patent can issue on this application unless applicant(s) file a statement (under oath or in the form of a declaration as provided by 37 CFR 1.68) setting forth (1) the full facts concerning the circumstances under which the invention was made and conceived and (2) the relationship (if any) of the invention to the performance of any work under any contract or other arrangement with the Agency (ies) noted above. On the reverse side of this form is an example of an acceptable format for this statement. The language appearing in paragraphs III and/or IV of the example must appear if applicant is attempting to establish that no relationship (under item 2 above) exists.

If the invention disclosed in this application was developed under a contract, grant or cooperative agreement between the Agency indicated above and a person, small business or non-profit organization and rights to the invention have been determined by specific reference to 35 U.S.C. 202 in the contract, grant or cooperative agreement, then applicant need not submit the statement described above. Instead, applicant may file a verified statement (under oath or in the form of a declaration, 37 CFR 1.68) setting forth the information required by 35 U.S.C. 202(c)(6).

IF NO STATEMENT HAS BEEN RECEIVED WITHIN FORTY-FIVE DAYS OF THE MAIL DATE INDICATED ABOVE, a formal requirement for statement will then be issued. No provision is made for extension of the statutory thirty-day period for response to the formal requirement and the penalty for failure to file an acceptable and timely statement is abandonment of the application. Therefore, applicants are strongly encouraged to submit a statement at this time in order to avoid the issuance of a formal requirement.

IT IS IMPORTANT TO NOTE that the statement must accurately represent the property rights situation of the claimed invention if and when the application is found allowable. Thus, if during prosecution before the examiner, the claimed invention is so altered or the property rights situation so changed as to impact the accuracy of a statement submitted earlier, a supplemental statement must be filed. Failure to submit such additional information where appropriate may be considered a false representation of material facts and render the patent owner vulnerable to loss of patent rights and other sanctions as set forth in the statutes. The PTO will not review allowed applications for this possibility. The responsibility for complying with the statutes rests with the applicants.

Any questions regarding this requirement should be directed to Licensing and Review at (703) 306-4191.

PLEASE DIRECT ALL COMMUNICATIONS RELATING TO THIS MATTER TO THE ATTENTION OF LICENSING AND REVIEW

suitable for situations in which NO Agency funds or other	this statement. Statements of this type are, of course, only considerations were involved in the making or conception		
of the invention. While this example is in the form of a de			
l (We)citizens of			
chizens of	:		
residing at			
declare: That I (we) made and conceived the invention described a	and claimed in patent application:		
Serial Numberfiled in the U	nited States of America on		
titled			
(Check and complete either I or II below)	(Check III and/or IV below as appropriate)		
☐1. (For Inventors Employed by an Organization) That 1 (we) made and conceived this invention while employed	That to the best of my (our) knowledge and belief:		
the invention is related to the work I am (we are) employed to perform and was made within the scope of my (our) employment duties; That the invention was made during working hours and with the use of facilities, equipment, materials, funds, information and services of Other relevant facts are	☐ III. The invention was not made or conceived in the course of, or in connection with, or under the terms of any contract, subcontract or arrangement entered into with or for the benefit of the United States Atomic Energy Commission or its successors: Energy Research and Development Administration or the Department of Energy.  —AND/OR—		
That to the best of my (our) knowledge and belief (and/or) based upon information provided byof:  —OR—	☐ IV. The invention was not made (conceived or first actually reduced to practice) under nor is there any relationship of the invention to the performance of any work under any contract of the National Aeronautics and Space Administration.		
☐ II. (For Self-Employed Inventors) That I (we) made and conceived this invention on my (our) own time using only my (our) own facilities, equipment, materials, funds, information and services. Other relevant facts are			
The undersigned inventor(s) declare further that all stateme and that all statements made on information and belief are be with the knowledge that willful false statments and the like so Section 1001 of Title 18 of the United States Code and that the application or any patent issuing thereon.	elieved to be true and further that these statements are made made are punishable by fine or imprisonment, or both, under		
Inventor's Signature:			
Post Office Address:	<u> </u>		
Date:			
Inventor's Signature:			
Post Office Address:			
Date:			